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10/730,417

12/08/2003

Douglas W. Sullivan

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EXAMINER

HENDRICKSON, STUART L

ART UNIT

PAPER NUMBER

1793

MAIL DATE

DELIVERY MODE

11/06/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|---------------------------------------|---|--|
| Office Action Summary | Application No. 10/730,417 | Applicant(s) SULLIVAN, DOUGLAS W. | |
| | Examiner Stuart Hendrickson | Art Unit 1793 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-7, 9-15, 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pietzka et al.

The reference teaches, especially in columns 2, 4 and 6, heating petroleum residue, devolatilizing, and coking. The temperature and pressure overlaps the claimed ranges. The reference does not teach the time of treatment, this is deemed an obvious expedient to achieve the desired degree of carbonization/coking; In re Boesch 205 USPQ 215.

Figure 2 depicts removing material from the bottom. Concerning claim 3, the back blades clean after the front blades push. In any event, having a system to remove the product is an obvious expedient for complete product recovery. Claim 1g is met in that the product must cool at some point, such as during packaging prior to shipment. Claim 5 is obvious as an inexpensive way to perform cooling; note the coke is exposed to air in fig. 2. Claim 6 is an obvious expedient to permit easy pumping of the product for processing.

Claims 1, 2, 4, 5, 7, 9, 10, 12, 13, 15, 17, 18, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maa et al. 20020038778.

The reference teaches, especially in paragraphs 15 and 23, essentially the claimed invention, differing in not teaching the cooling temperature. The overlapping numerical ranges (time, pressure, reactor temperature) render the claims unpatentable- In re Malagari 182 USPQ 549. Cooling the coke to the claimed temperatures is an obvious expedient to avoid further reactions (coking, gasification) and to prepare the coke for shipping.

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Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references above as applied to claims rejected above, and further in view of Tsukihara 5715328.

The above references do not teach water cooling, however Tsukihara does in coke treating processes. Using the water cooling in the above processes is an obvious expedient to cool the coke to prevent further reaction (gasification) and to prepare it for shipping.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The drawing added and corresponding amendments to the specification are new matter.

Applicant's arguments filed 9/8/07 have been fully considered but they are not persuasive.

It is noted that the petroleum reference is mostly devoted to delayed coking. Is the present case to delayed coking? If not, what kind of coking is it? Is the pusher of the new figure old and known? Spec. para. 26 is noted- the last sentence seems to contradict the first sentence- The processes ARE related to petroleum coking. The reactor portion of Pietzka is horizontal. The stated purpose of the blades (transporting) does not detract from the fact that they push and knead, nor does the rationale for the time of reaction. The claims do not exclude formation of shot coke, nor exclude the heating scheme of Pietzka. It appears that additional references about coking should be supplied.

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THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication should be directed to examiner Hendrickson at telephone number (571) 272-1351.



Stuart Hendrickson
examiner Art Unit 1754